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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/790,210

03/02/2004

Hiroyuki Kinemura

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23850 7590 06/12/2008  
KRATZ, QUINTOS & HANSON, LLP  
1420 K Street, N.W.  
Suite 400  
WASHINGTON, DC 20005

EXAMINER

HENN, TIMOTHY J

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

06/12/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/790,210	<b>Applicant(s)</b> KINEMURA ET AL.	
	<b>Examiner</b> Timothy J. Henn	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,4-6 and 8 is/are allowed.
- 6) ☒ Claim(s) 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03 January 2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 03 January 2008 have been fully considered but they are not persuasive. As argued by Applicant, Evans discloses a back surface having image pickup switches 12 and a lens 18. However, the examiner notes that in such an arrangement the optical axis (i.e. an axis perpendicular to and extending through the lens) would intersect both the front surface and back surface as claimed. Although the lens of Evans is located on the back surface, the claim as written does not define which side of the camera the lens is located on, and instead only requires that the optical axis is crossing to the front side surface. Since the optical axis of Evans intersects both surfaces, it is believed that Evans meets this limitation.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Evans (US 5,973,915) in view of Shibata et al. (US 2001/0004269).

**[claim 2]**

Regarding claim 2, Evans discloses an electronic image pickup apparatus comprising: a main cabinet service as a handle portion (Figure 12, Item 15); a display cabinet having a monitor and attached to the main cabinet as overlapping with the main cabinet (Figure 12, Item 9); a lens provided in the main cabinet for picking up an image (Figure 12, Item 18 and 110; Figure 13, Item 113; c. 5, ll. 50-61) the main cabinet and the display cabinet being pivotal within a plane generally perpendicular to an optical axis of the lens with one end of the main cabinet being connected to one end of the display cabinet (e.g. Figure 13); a lock device provided between the main cabinet and the display cabinet for holding the display cabinet at a position with respect to the main cabinet (Figure 2; Figure 7, Items 58 and 60; c. 4, ll. 29-37), and the main cabinet having a back side surface with image pick-up switches and an opposed front side surface (Figure 1B). Evans further discloses an optical axis of the lens which is aligned with a pivot center axis of the display cabinet (Figures 12 and 13), an image pickup device located behind the lens (c. 6, ll. 16-26; CCD) and the optical axis of the lens crossing to the front side surface of the main cabinet (Figures 12 and 13; note that

optical axis of the lens intersects both the front side surface and the back side surface; although the lens is on the back side surface, the image pickup axis would intersect both surfaces). However while Evans discloses a display cabinet, but does not disclose a display cabinet having a proximal portion with a pivot center axis and a free end portion pivotal with respect to the proximal portion about a pivotal support shaft wherein the monitor is provided on the free end.

Shibata discloses a portable electronic image pickup apparatus in which a display and main cabinet portion are pivotal with respect to each other wherein the display portion includes a proximal portion, pivotal support shaft and free end including a display (Figure 3, Items 31, 32, 20 and 21). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a display portion as taught by Shibata in the device of Evans to allow more options for positioning the display portion with respect to the main cabinet portion by allowing the display to pivot on a second axis.

### ***Allowable Subject Matter***

5. Claims 1, 4-6 and 8 are allowed.

#### **[claims 1, 4-6 and 8]**

Regarding claims 1, 4-6 and 8, the prior art does not teach or fairly suggest an electronic image pickup apparatus including a main cabinet and a display cabinet which are pivotal within a plane generally perpendicular to an optical axis of a camera provided on either the main cabinet or the display cabinet wherein the optical axis of the

lens of the camera is aligned with the center axis of the display cabinet and wherein the image pickup device is supported so as to be pivotal unitarily with the display cabinet as claimed. While it is known in the prior art to include cameras on a display cabinet which is pivotal with respect to a main cabinet, the prior art does not teach a camera pivotal unitarily with a display cabinet in which the optical axis of the lens is aligned with the pivot center axis of the display cabinet.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

i. Knighton et al. US 7,359,003

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J. Henn whose telephone number is (571)272-7310. The examiner can normally be reached on M-F 11-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on (571) 272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy J Henn/  
Primary Examiner, Art Unit 2622